

Staff Summary Report



Hearing Officer Hearing Date: September 4, 2007

Agenda Item Number: 10

SUBJECT: This is a public hearing for a request by **THE CEDARS (PL070330)** located at 2003 North McAllister for one (1) use permit and one (1) variance.

DOCUMENT NAME: 20070904dssl02

PLANNED DEVELOPMENT (0406)

SUPPORTING DOCS: Yes

COMMENTS: Hold a public hearing for a request by **THE CEDARS (PL070330)** (Alan Turley/Turley Design Affiliates, applicant; AIMCO, property owner) located at 2003 North McAllister Drive in the R-3, Multi-Family Residential Limited District for:

ZUP07107 Use permit standard to reduce the front (west) yard setback by twenty percent (20%) from twenty (20) feet to sixteen (16) feet.

VAR07022 Variance to reduce the on site driveway length from twenty feet (20') to sixteen feet (16').

PREPARED BY: Sherri Lesser, Senior Planner (480-350-8486)

REVIEWED BY: Steve Abrahamson, Planning & Zoning Coordinator (480-350-8355)

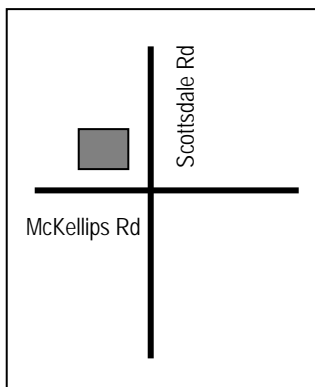
A handwritten signature in black ink, appearing to read 'SEA'.

LEGAL REVIEW BY: N/A

FISCAL NOTE: N/A

RECOMMENDATION: Staff – Approval of Use Permit and Variance, subject to conditions 1-4.

ADDITIONAL INFO: The applicant is requesting approval of a use permit and variance to accommodate the enclosure of existing carports into garages for an eighteen unit townhouse development located north of McKellips Road and west of Scottsdale Road. The request is for a use permit standard to reduce the front yard setback for the garages by 20% from 20' to 16' and a variance to reduce the onsite driveway length from 20' to 16' as measured from the property line. Staff recommends approval of the use permit standard for the reduced setback; the request promotes the upgrade of the existing dwellings and is compatible with the surrounding area. The request complies with the approval criteria for a use permit. Staff recommends approval of the variance to reduce the on site driveway length from 20' to 16'; special circumstances exist relevant to the increased ROW depth for the length of this property (which is reduced by 5' feet immediately to the north of this property). This request meets the tests to warrant support of the variance. In accordance with the Zoning and Development Code, the applicant held a neighborhood meeting on August 7, 2007, six neighbors attended the meeting; see attached minutes of the meeting. To date, staff has received no opposition to this request.



PAGES:

1. List of Attachments
2. Comments; Reason(s) for Approval
3. Conditions of Approval; History & Facts/Description; Zoning & Development Code Reference

ATTACHMENTS:

1. Location Map(s)
2. Aerial Photo(s)
3. Letter of Explanation of Use Permit
- 4-5. Letter of Explanation of Variance
6. Site plan
- 7-8. Floor Plan (s)
- 9-10. Applicant Photographs
- 11-12. Staff Photographs
- 13-15. Neighborhood Meeting Minutes

COMMENTS:

The Cedars is an 18 unit townhouse project which exists along the west property line of the multi-tenant complex located at the northwest corner of Scottsdale Road and McKellips Road. The applicant's proposal is to convert the existing carports into double car garages. The existing carports are 16'-10" in depth and as improved will have a 25' depth; thus increasing the depth of the structure by 9' requiring a reduction of the setback by 20% from 20' to 16 (the current setback for the carport is 25'). In addition to the use permit; a variance is required for the reduced driveway length. The expansion of garage and reduction of the setback reduces the required on site driveway length from 20' to 16. This measurement is from the building to the existing thirty (30) foot right-of-way (ROW) line. The existing ROW line is located 6' behind the sidewalk. The depth of the ROW decreases to twenty five (25) feet immediately to the north of this property. The reduced setback, if approved, will locate the future garages approximately twenty-two (22) feet behind the existing sidewalk.; providing space for on site parking outside of the garage, at a length, which will not impede the sidewalk.

Use Permit

The Zoning and Development Code requires a use permit standard to reduce the front yard setback by 20%. Staff supports the conversion of the carports to garages and finds this request meets the criteria for approval of the use permit as identified in ZDC, Part 6, Chapter 3, Section 6-308.

Variance

The Zoning and Development Code Development Standards requires the on-site driveway length for all properties to be a minimum of twenty (20) feet as measured from the public street right-of-way (ROW) line. The right-of-way (ROW) depth is five (5) feet deeper for this site than the existing ROW depth for the single family residential on the west side of McAllister Street and the properties to the north. The right-of-way setback tapers to twenty-five (25) feet directly north of this property. The additional depth was dedicated by the developer when the property of originally built.

Staff supports the variance as requested in this application; we find the additional right-of-way imposes a hardship on this property for the future upgrade and enjoyment of the property. The additional ROW depth is a burden imposed to specifically this property and does not affect the surrounding properties. The granting of the variance shall not be detrimental or out of character with the surrounding properties. The increased ROW was not self-imposed but a dedication required by the City for the development of the property.

This request meets the tests for approval of a variance as identified in ZDC, Part 6, Chapter 3, Section 6-309.

Public Input

The applicant held a neighborhood meeting on August 6, 2007; six people were in attendance at the meeting. The applicant also received a phone call from the one other resident. Summary of the issues voiced were the concern for increased traffic and parking on McAllister Street with the upgrade to garages. The residents requested that the applicant look into implementing a parking permit system for residents on the west side of McAllister and provide lease addendums to their residents limiting the amount of storage allowed in the garages; so that there would always be parking on site available.

Conclusion

Staff recommends approval of the use permit and variance.

REASON(S) FOR APPROVAL:

1. Special circumstances or conditions applying to the land, building or use exist.
2. The authorizing of the variance is necessary for the preservation and enjoyment of substantial Property rights.
3. Authorization of the variance(s) will not be materially detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood or to the public welfare in general.

SHOULD THE HEARING OFFICER ELECT TO TAKE AFFIRMATIVE ACTION ON THE REQUEST, THE FOLLOWING CONDITIONS OF APPROVAL SHOULD APPLY.

**CONDITION(S)
OF APPROVAL:**

1. Obtain a Development Plan Approval for the exterior modifications to the building elevations and site plan.
2. Obtain all necessary clearances from the Building Safety Department.
3. Property owner to provide documentation to the North Tempe Neighborhood Association and the immediate neighbors and application file; verifying their management of tenant storage and on site parking. This documentation to include verification that one parking space will always be maintained within the garages and that at no time will vehicles overhang or park on City sidewalks.
4. Applicant to work with Traffic Engineering Department to institute a permit parking system for McAllister Road; at the expense of the applicant. This process to be initiated prior to issuance of building permits.

HISTORY & FACTS:

August 2, 1972.

The City Council approved a multifamily development for the WR Shultz Development Company at the northeast corner of McAllister Street and McKellips Road subject to conditions including the dedication of all street right-of-way, easements and public utility easements.

DESCRIPTION:

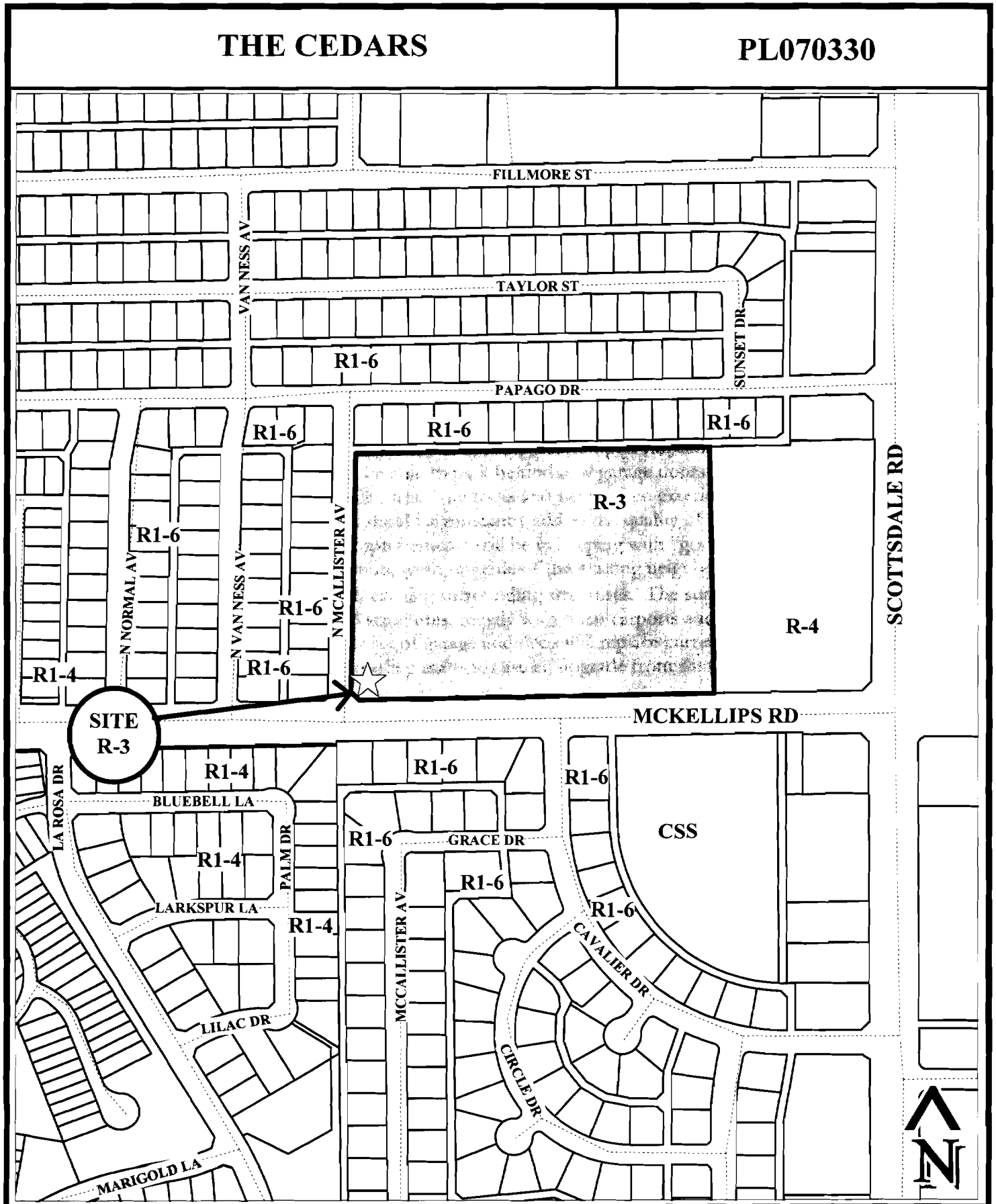
Owner – AMICO
Applicant – Alan Turley/Turley Design Affiliates
Existing Zoning – R-3, Multi-Family Residential Limited District
Required Front yard setback- 20'
Proposed Front yard setback- 16'

**ZONING AND
DEVELOPMENT
CODE REFERENCE:**

Part 4, Chapter 2, Section 4-202B
Part 4, Chapter 5, Section 4-502
Part 6, Chapter 3, Sections 6-308 and 6-309.

THE CEDARS

PL070330





THE CEDARS (PL070330)

TURLEY DESIGN AFFILIATES PLLC

24 July 2007

Quality Architecture since 1975

The City of Tempe
Development Services – Planning
31 East 5th Street
Tempe, Arizona 85280-5002

USE PERMIT – EXPLANATION

This application, when approved, will:

- Will not cause any particular vehicular or pedestrian traffic in adjacent areas. The residences now exist, and no change in use is proposed, except that current open carports will be replaced with enclosed garages.
- Will not cause any nuisance, exceeding that of ambient conditions. No change in current usage is anticipated.
- Will not contribute to the deterioration of the neighborhood or be in conflict with the goals, objectives and policies of the City of Tempe. The proposed garages will substantially improve the streetscape, compared to open carports which now exist. Visitor parking will still be able to park behind new garage doors and not cross existing back-of-sidewalk lines. Tile roofs and new stucco exteriors with precast concrete trim members should significantly add to the quality of the neighborhood. We submit this set of improvements will be in keeping with “good neighbor” policies, and will contribute to an upgrade of the existing neighborhood atmosphere.
- Will be compatible with existing surrounding structures. The surrounding area is all single-family residential structures, mostly with open carports and composition shingle roofs. This new set of garage additions will replace current open carports with new garages, and roofing materials are an upgrade from shingle roofs to concrete tile roofs.
- Will not result in any disruptive behavior which may cause a nuisance to the surrounding area or general public. No change in use is anticipated. Garages should contribute to greater property security for the residents.

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23 July 2007

The City of Tempe
Development Services Department
31 E. 5th Street – Garden Level
Tempe, Arizona 85281

VARIANCE EXPLANATION

The Cedars, an 18-unit townhouse development (existing) owned and managed by AIMCO/FOXTREE L.P., as rental housing units, 2 story, in duplex configuration.

The Variance requested is to reduce the current front setback from 20' to 16', by reason of an excessive dedication originally granted when this property was developed (30' R.O.W., in lieu of 25' R.O.W. which exists on the opposite side of N. McAllister, and exists for the single family residential area fronting on E. Papago, directly north of this property.

This Owner desires to improve its property by replacing currently existing open carports with enclosed garages (2-car) for each dwelling unit. The current carports are 16'-10" from front to back, and the current front setback, as improved, is 25', instead of 20' as allowed by City of Tempe ordinance. The reduction from 20' to 16' and the additional 5' of setback available by reason of the original setback being 25', allows a 25' deep garage improvement, while retaining 22' from back of sidewalk to the rear of the new garages. AIMCO understands that the City of Tempe desires a minimum of 20' for visitor parking, behind garages or carports. Granting the requested VARIANCE and accompanying USE PERMIT will have the effect of allowing the new garage construction to occur, while retaining a 22' setback from the back of sidewalks along the entire property frontage.

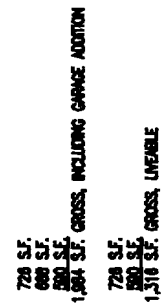
Justification for this approval shall include:

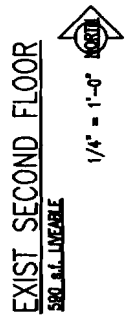
- The special circumstance of originally dedicating a 30' Right of Way, instead of a normal 25' R.O.W., imposes a burden of limitations on what can occur along the McAllister frontage. The current carports are visible to the street, and security issues occur with open access to resident's vehicles, fully exposed to passers-by. Additionally, the enclosed garages being proposed will add to the current streetscape ambiance, with stucco exterior finishes, precast concrete trim members around garage doors (and windows on the existing residences), and concrete tile roofs on the garage areas, adding to the color and texture of the street frontage.
- Authorization of this request for Variance and accompanying Use Permit is necessary to add the needed interior depth of an enclosed garage, not necessary with open carports. The inside depth, front to back, will allow residents to walk around front and back of vehicles and exit into the residences, not possible without the additional depth created by this Variance and Use Permit application.
- Approval of this Variance and accompanying Use Permit will not create any detrimental issues with the neighboring residences, either on this street or on the

adjacent McKellips Road or Papago Drive, where single family residences front on these two adjacent streets.

Granting of this Variance and Use Permit will not have the effect of:

- Making any changes in the use or density now existing, both of which fall within the Tempe General Plan and current Zoning requirements.
- This application will not rectify a special circumstance which was self-imposed by the property owner or applicant. The condition of excessive Right of Way dedication has existed since this property was developed and it is not clear why the requirement was made at that time, in that McAllister only extends one block in length at this point, ending in "T" intersections at McKellips and Papago on the South and North, respectively. No through traffic has ever occurred on this one-block long street.
- This approval will not provide relief from any item expressly prohibited by Code.

[illegible]



EXIST FIRST FLOOR
579 s.f. LIVEABLE

[illegible]

EXIST 1ST & 2ND FLOOR

Renovation and Garage Additions to Exs. Townhouses

AIMCO Construction Services

Stephen Ray, Sr. Dir. of Construction
602.680.7021 stephen.ray@aimco.com
3509 L. Shea Boulevard, Ste. 105 Phoenix, Az. 85028

Architects • Program Management • Facility Programming
TURLEY DESIGN AFFILIATES PLLC
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[illegible]







THE CEDARS

2003 N MCALLISTER DR

PL070330

FRONT OF PROPERTY: VIEW TO EAST



THE CEDARS

2003 N. MCALLISTER DR.

PL070330

FRONT OF PROPERTY: VIEW TO NORTHEAST

24 August 2007

The City of Tempe
Planning Department
Attn: Sherri Lesser

Re: 18 Unit Townhouse (Rental) application for Use Permit and Variance
E. side of N. McAllister St., N. of McKellips Road

MINUTES OF PUBLIC MEETING

Clarification: In the mailing done by the Architect, the day and date of the public meeting was in error. The mailing listed the meeting on Tuesday, August 6, 2007. In fact, the 6th was on a Monday and Tuesday was the 7th. In order to not miss any potential attendees, Alan Turley and David Taylor, Sr. Dir. Of Construction for AIMCO, the property owner and managers, were at the identified location on Monday the 6th. There were no attendees that showed up on Monday night. On Tuesday, Alan Turley attended and 2 couples and one individual with her daughter were in attendance. Mr. Turley obtained notes from the attending adults with the indication their notes would be made available to the City of Tempe for their staff report in advance of the public hearing held by the City. Copies of those handwritten comments are attached to these minutes.

Tues. August 7, 2007, 7:30 PM

Mailing Results:

Appx. 96 mailings done per the schedule required by the City of Tempe
16 mailings returned, undeliverable by the U.S. Post Office (copies included)

Phone Comment:

One neighbor, a homeowner at the NW corner of McKellips and McAllister, and a resident of the neighborhood since 1966, called, indicating she had a bad hip and probably would not be able to attend the public meeting, so she wanted to know what was being proposed. She said her concern was traffic and speed of vehicles on McAllister and McKellips. She indicated the neighborhood used to be a family-oriented area and the apartments to the East had changed that character. Mr. Turley described the proposed substitution of enclosed 2-car garages for the current carports, and that proposed changes would not increase the density of numbers of rental units on the property to her East. Her main concern was traffic and speed. Mr. Turley identified that McAllister was not a through street at either end of the one-block-long length facing her home, and that AIMCO did not anticipate the garage additions would increase traffic or speed, but would add value to the neighborhood by reason of the considerable investment to build the garages and to reduce unsightly contents of current carports. She seemed satisfied and indicated to convey her traffic and speed concerns to the City of Tempe.

Public Meeting:

Two adult couples attended along with a single mother with her pre-teen daughter. Similar concerns were expressed to the phone caller, increased traffic and speed on McAllister. The site plan, proposed building plans, and proposed exterior elevations were presented and discussed. There was general agreement that the appearance of the garage elevations would be desirable compared to the current open carports. The single mother expressed she liked the carports because she could visually see all of the street frontage and be able to watch her children when they were outside the apartment. Discussion was held about the fact that when the property was developed, the City of Tempe obtained a 30' right of way in front of this property, and at no other point along McAllister did the 30' R.O.W. continue, including all residences on the W. side of the street and the homes to the north of this property, with the R.O.W. reducing to 25' in each of these two areas, adjacent to the AIMCO property. Mr. Turley explained that an option would be to pursue an abandonment of 5' of the current 30' R.O.W., allowing construction of the Garages, or, since there is excess depth in front of the current carport improvements, the other option was to seek a variance and use permit with the effect of reducing the required front yard setback by 20%, from 20' to 16', and allowing the required 20' front yard parking (behind the garage doors) to exist from the garage doors to the back of the current sidewalks.

Those present walked to the front of the unit at 2021 N. McAllister, and Mr. Turley indicated that the remaining setback from the back of sidewalk to the front wall of the proposed garages would be just over 22', in excess of the City required 20'. Those present paced off the distance of the addition and the remaining setback and felt these distances were reasonable to allow guest parking behind the enclosed garages, to discourage on-street parking. On-street parking by the apartment residents, especially on the W. side of McAllister, was a major concern.

One proposed method would be to post the parking on the W. side of McAllister with a "residents and guests only" parking requirement, and then supply the residents with window hangers identifying the residents and their guests as permissible parkers. There was concern expressed that in other neighborhoods where this procedure had been used, the citizens present thought the neighborhood had to pay for this posting. They indicated that if AIMCO would pay any costs for this posting, and if the City would enact the posted area for the W. side length of McAllister, their on-street parking concerns would be lessened. Two factors became clear in the discussion:

- 1) On street parking by the E. side residents and their guests was a concern. Those present agreed that the garages would not likely intensify this concern.
- 2) Deriving a method to limit on street parking on the W. side of McAllister was not to incur any financial costs, either initially or long-term, to the current single family residents along the W. side of McAllister.

The meeting was amicable and directed to positive solutions to a perceived and ongoing on-street parking concern. The proposed garages did not seem to intensify or solve this concern, one way or the other.

Garage Concept:

The concept of Garages was discussed. Homeowners expressed that many times whole garages are filled with various kinds of items (sometimes identified as “junk”) and that the garage becomes no longer usable as an enclosed parking location. A request was made to require AIMCO to identify in their leases that no more than half the garage could be used for storage, and that at least one parking space would have to be left open for use in putting a vehicle in the garage, at all times. They thought the building owners would have greater ability to police this requirement, moreso than the City of Tempe, which would have difficulty going into leased or rented premises to discover the contents of enclosed garages.

The attendees represented the North Tempe Homeowner’s Association and Homeowners whose home fronted on the street to the north of this block, at right angles to McAllister. The single woman in attendance is a current resident of the rental townhomes, and indicated she had moved there a few months ago after living in the apartments to the East for the past 4 years. She was concerned with the timing of improvements and if they would have to vacate their new lease to allow construction. She also expressed concerns that if new enclosed garages were constructed, the lease rates would probably increase, and that if that was the case, she and her husband had been looking in the surrounding neighborhoods and that they would buy a home with a pool for less than she expected the new rents to be for the townhomes. Mr. Turley indicated that he was not available to comment on whether the current leases would remain in effect, but agreed that the extend of new construction would likely require vacating the residences while improvements were made. The meeting concluded at about 9:15 PM and attendees dispersed to their homes.

Respectfully Submitted,
TURLEY DESIGN AFFILIATES PLLC

W. Alan Turley, Architect, NCARB Certified